

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-110-2011-0179-CX

CASEFILE/PROJECT NUMBER: COC75108

PROJECT NAME: Off-unit Water Disposal Well WRD 29-33

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado
T. 2 N., R. 96 W.,
sec. 29, NW¼SE¼.

APPLICANT: Koch Exploration Company, LLC

DESCRIPTION OF PROPOSED ACTION: Koch Exploration Company, LLC (Koch) is requesting that new sources of off-lease/unit produced water be disposed of into the existing approved Class II Water Disposal permit for the WRD Unit 29-33 well (see Exhibit A). Produced water from Koch operated off-lease/unit gas wells will be transported via truck to the existing water disposal well. Approximately two truck trips per week will be needed. A tank battery with 10 tanks is existing at the well pad location. Koch is requesting authorization for the existing well pad, which is approximately 200 feet by 200 feet, for the disposal well and tank battery right-of-way. No new disturbance is proposed. The well is currently disposing of Ant Hill Unit water via a pipeline system, and road right-of-way COC57750 authorizes the access road and will be amended for the portion of access road to the well. The additional access road will be 750 feet long, 25 feet wide, and contain approximately 0.43 acres.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plan:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-49

Decision Language: “To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values.”

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, E16: “*Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.*”

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by either the bureau of office.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the		X

Extraordinary Circumstance	YES	NO
area or actions that may promote the introduction, growth, or expansion of the range of such species.		

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 8/30/2011. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	9/2/2011
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	9/27/2011
Jacob Davidson	Biological Technician (Plants)	Special Status Plant Species	9/19/2011

REMARKS:

Cultural Resources: The well pad of the proposed produced water disposal well site has been inventoried at the Class III (100 percent pedestrian) level (Barclay 2001 compliance dated 9/14/2001, McDonald 1998a compliance dated 9/14/1998, and 1998b compliance dated 11/3/1998) with no new cultural resources located within or near the proposed well pad location. Adding additional tanks to the existing well pad and using the existing well for disposal will not impact any known cultural resources.

Native American Religious Concerns: No Native American religious concerns are known in the area, and none have been noted by Northern Ute tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Paleontological Resources: The proposed produced water disposal well site is located in an area generally mapped as the Wasatch Formation (Tweto 1979) which the BLM WRFO has classified as a PFYC 5 formation meaning it is known to produce scientifically noteworthy fossil Resources (c.f., Armstrong and Wolny 1989). If it should become necessary to excavate into the underlying sedimentary rock strata to install additional tanks for the disposal project, there is a potential to impact scientifically noteworthy fossil resources.

Special Status Wildlife Species: There are no threatened or endangered wildlife species that are known to inhabit or derive important use from the project area. The project area is located in

overall greater sage-grouse range (as mapped by Colorado Parks and Wildlife) with the nearest lek located approximately 1.6 miles away.

The existing disposal well is located in mule deer severe winter range – a specialized component of winter range that supports virtually all an area's deer during the most severe winters (excessive snow, cold temperatures).

Traffic associated with the project (~ two trips/week) is not expected to have any impact on local wildlife populations.

Special Status Plant Species: There are no special status plant species concerns associated with the Proposed Action.

REFERENCED CITED:

Armstrong, Harley J., and David G. Wolny

1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Barclay, Dulaney

2001 Tom Brown, Inc., White River Dome Gathering System Class III Cultural Resource Inventory, Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (01-54-17: SHPO #RB.LM.R449)

McDonald, Kae

1998a Tom Brown, Inc., WRD Unit 29-32, Class III Cultural Resource Inventory, Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (98-54-09: SHPO # RB.LM.NR1023)

1998b Tom Brown, Inc., WRD unit 29-33 Well pad and Access road, Class III Cultural Resource Inventory, Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (98-54-08: SHPO #RB.LM.NR1035)

Tweto, Ogden

1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

MITIGATION:

1. The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood (over 25 lbs./day, up to 250 lbs./year), or collecting fossils for commercial purposes on public lands.

2. Any excavations into the underlying native sedimentary stone must be monitored by a permitted paleontologist. The monitoring paleontologist must be present before the start of excavations that may impact bedrock.
3. This ROW grant is independent of Environmental Protection Agency (EPA) and Colorado Oil and Gas Conservation Commission (COGCC) approvals. If Koch Exploration Company, LLC identifies a conflict between this approval and the necessary approvals granted by the EPA and/or COGCC, Koch Exploration Company, LLC will immediately notify this office and propose corrective actions to remedy the conflict.
4. This ROW is granted only for the disposal of produced water in well WRD 29-33 (T2N, R96W, Section 29).
5. The initial per barrel rate will be \$0.15 of produced water injected into well WRD 29-33 (T2N, R96W, Section 29) as determined through measurement practices conducted in accordance with 43 CFR Part 3160 and Onshore Oil and Gas Order No. 7. Prior approval must be obtained from this office for the procedures and equipment proposed to be used for measurement of produced water injected into well WRD 29-33 (T2N, R96W, Section 29) before such injection begins. This office may modify the proposal and condition the approval.
6. This ROW is granted to Koch Exploration Company, LLC for the exclusive use of WRD 29-33 (T2N, R96W, Section 29) for disposal of produced water originating only from those wells operated by Koch Exploration Company, LLC, as recognized by the BLM or COGCC.
7. At least 90 days prior to termination of the right-of-way, the holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, and surface material (e.g., gravel or concrete), as well as final recontouring, spreading of topsoil, and seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.
8. The holder shall monitor all disturbed and reclaimed areas through final abandonment for the presence of invasive, non-native, and/or noxious plant species. The applicant will be responsible for eradication of noxious weeds that occur on site using materials and methods approved in advance by the Authorized Officer.
9. Any proposal involving additional surface disturbance requires an application to the BLM for analysis and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies existing at the time of authorization.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The holder will be notified of compliance related

issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Stacey Burke

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E16. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:

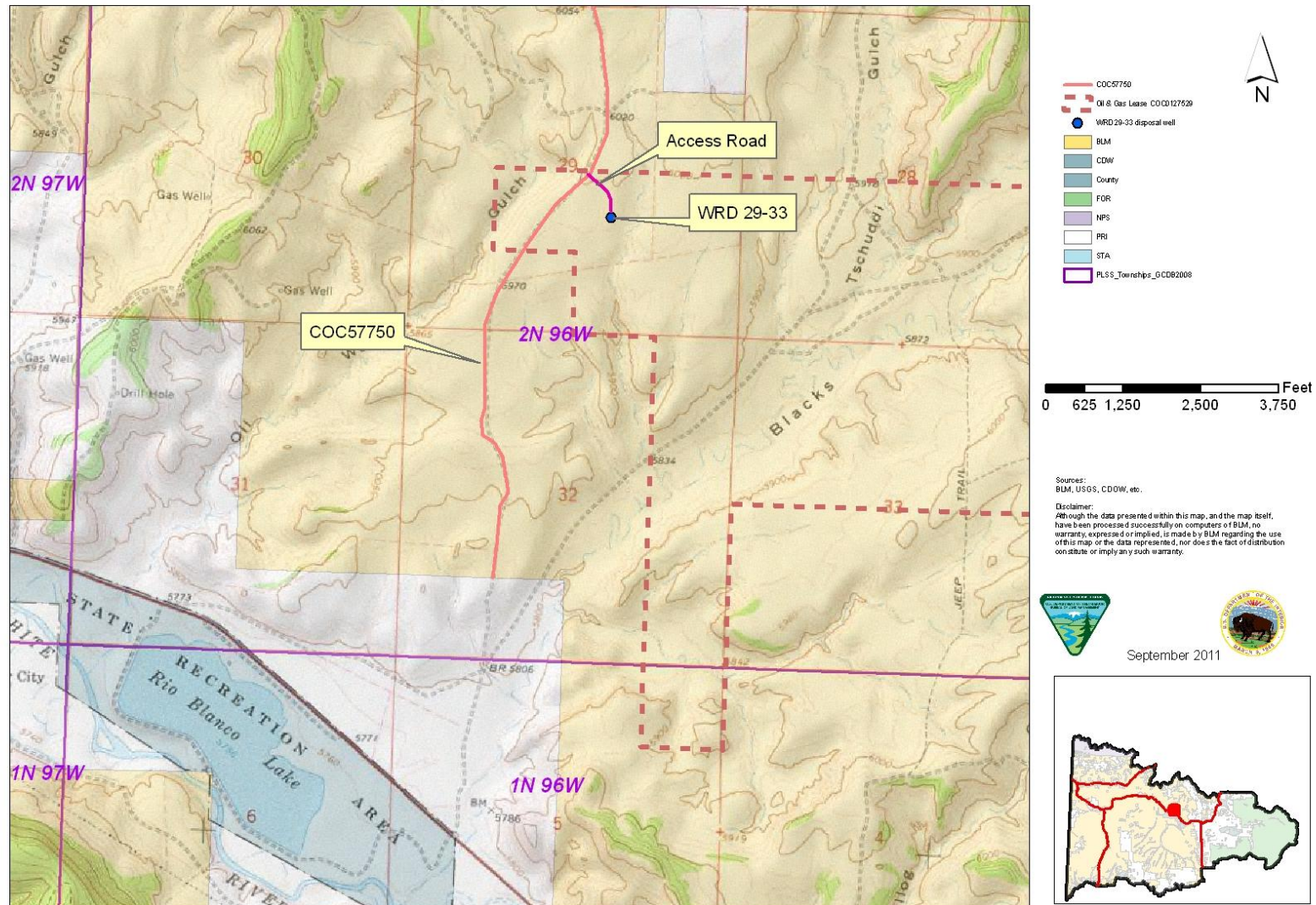

Acting Field Manager

DATE SIGNED: 10/5/11

ATTACHMENTS:

Exhibit A: Map of Water Disposal Well WRD 29-33

EXHIBIT A



**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

DECISION RECORD

PROJECT NAME: Off-unit Water Disposal Well WRD 29-33

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-2011-0179-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2011-0179-CX, authorizing the operation and maintenance of the WRD 29-33 as a disposal well.

Mitigation Measures

1. The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood (over 25 lbs./day, up to 250 lbs./year), or collecting fossils for commercial purposes on public lands.
2. Any excavations into the underlying native sedimentary stone must be monitored by a permitted paleontologist. The monitoring paleontologist must be present before the start of excavations that may impact bedrock
3. This ROW grant is independent of Environmental Protection Agency (EPA) and Colorado Oil and Gas Conservation Commission (COGCC) approvals. If Koch Exploration Company, LLC identifies a conflict between this approval and the necessary approvals granted by the EPA and/or COGCC, Koch Exploration Company, LLC will immediately notify this office and propose corrective actions to remedy the conflict.
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9. The holder shall monitor all disturbed and reclaimed areas through final abandonment for the presence of invasive, non-native, and/or noxious plant species. The applicant will be responsible for eradication of noxious weeds that occur on site using materials and methods approved in advance by the Authorized Officer.

10. Any proposal involving additional surface disturbance requires an application to the BLM for analysis and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies existing at the time of authorization.

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

PUBLIC INVOLVEMENT

The BLM informed the public about this project by listing it on the online WRFO NEPA Register on 9/13/2011 and a copy of the completed Categorical Exclusion will be posted on the WRFO website.

RATIONALE

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E16. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

ADMINISTRATIVE REMEDIES

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO

81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

SIGNATURE OF AUTHORIZED OFFICIAL:


Acting Field Manager

DATE SIGNED:

10/5/11